

Introduced by Senator Chesbro

February 5, 2003

An act to amend Section 1257.7 of the Health and Safety Code, relating to hospitals.

LEGISLATIVE COUNSEL'S DIGEST

SB 130, as introduced, Chesbro. Hospitals: security.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Health Services, and makes a violation of these provisions a misdemeanor.

Existing law requires hospitals to conduct a security and safety assessment and to develop a security plan to protect personnel, patients, and visitors from aggressive or violent behavior.

Existing law requires that the individual or members of a hospital committee responsible for developing the security plan be familiar with certain matters.

This bill would require the committee to be familiar with strategies to avoid physical harm to staff and patients.

By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 1257.7 of the Health and Safety Code is amended to read:

1257.7. (a) By July 1, 1995, all hospitals licensed pursuant to subdivisions (a), (b), and (f) of Section 1250 shall conduct a security and safety assessment and, using the assessment, develop a security plan with measures to protect personnel, patients, and visitors from aggressive or violent behavior. The security and safety assessment shall examine trends of aggressive or violent behavior at the facility. These hospitals shall track incidents of aggressive or violent behavior as part of the quality assessment and improvement program and for the purposes of developing a security plan to deter and manage further aggressive or violent acts of a similar nature. The plan may include, but shall not be limited to, security considerations relating to all of the following:

(1) Physical layout.

(2) Staffing.

(3) Security personnel availability.

(4) Policy and training related to appropriate responses to violent acts.

In developing this plan, the hospital shall consider any guidelines or standards on violence in health care facilities issued by the state department, the Division of Occupational Safety and Health, and the federal Occupational Safety and Health Administration. As part of the security plan, a hospital shall adopt security policies including, but not limited to, personnel training policies designed to protect personnel, patients, and visitors from aggressive or violent behavior.

(b) The individual or members of a hospital committee responsible for developing the security plan shall be familiar with all of the following:

(1) The role of security in hospital operations.

(2) Hospital organization.

(3) Protective measures, including alarms and access control.

(4) The handling of disturbed patients, visitors, and employees.

(5) Identification of aggressive and violent predicting factors.

(6) Hospital safety and emergency preparedness.

(7) The rudiments of documenting and reporting crimes, including, by way of example, not disturbing a crime scene.

1 (8) *Strategies to avoid physical harm to staff and patients.*

2 (c) The hospital shall have sufficient personnel to provide
3 security pursuant to the security plan developed pursuant to
4 subdivision (a). Persons regularly assigned to provide security in
5 a hospital setting shall be trained regarding the role of security in
6 hospital operations, including the identification of aggressive and
7 violent predicting factors, and management of violent
8 disturbances.

9 (d) Any act of assault, as defined in Section 240 of the Penal
10 Code, or battery, as defined in Section 242 of the Penal Code, that
11 results in injury or involves the use of a firearm or other dangerous
12 weapon, against any on-duty hospital personnel shall be reported
13 to the local law enforcement agency within 72 hours of the
14 incident. Any other act of assault, as defined in Section 240 of the
15 Penal Code, or battery as defined in Section 242 of the Penal Code,
16 against any on-duty hospital personnel may be reported to the local
17 law enforcement agency within 72 hours of the incident. No health
18 facility or employee of a health facility who reports a known or
19 suspected instance of assault or battery pursuant to this section
20 shall be civilly or criminally liable for any report required by this
21 section. No health facility or employee of a health facility who
22 reports a known or suspected instance of assault or battery that is
23 authorized, but not required, by this section, shall be civilly or
24 criminally liable for the report authorized by this section unless it
25 can be proven that a false report was made and the health facility
26 or its employee knew that the report was false or was made with
27 reckless disregard of the truth or falsity of the report, and any
28 health facility or employee of a health facility who makes a report
29 known to be false or with reckless disregard of the truth or falsity
30 of the report shall be liable for any damages caused. Any
31 individual knowingly interfering with or obstructing the lawful
32 reporting process shall be guilty of a misdemeanor. “Dangerous
33 weapon,” as used in this section, means any weapon the possession
34 or concealed carrying of which is prohibited by Section 12020 of
35 the Penal Code.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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